



Sen. William R. Haine

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1 AMENDMENT TO HOUSE BILL 4222

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4222, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Criminal Identification Act is amended by  
6 changing Section 8 as follows:

7 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

8 Sec. 8. Crime statistics; sex offenders.

9 (a) The Department shall be a central repository and  
10 custodian of crime statistics for the State and it shall have  
11 all power incident thereto to carry out the purposes of this  
12 Act, including the power to demand and receive cooperation in  
13 the submission of crime statistics from all units of  
14 government. On an annual basis, the Illinois Criminal Justice  
15 Information Authority shall make available compilations  
16 published by the Authority of crime statistics required to be  
17 reported by each policing body of the State, the clerks of the  
18 circuit court of each county, the Illinois Department of  
19 Corrections, the Sheriff of each county, and the State's  
20 Attorney of each county, including, but not limited to,  
21 criminal arrest, charge and disposition information.

22 (b) The Department shall develop information relating to  
23 the number of sex offenders and sexual predators as defined in  
24 Section 2 of the Sex Offender Registration Act who are placed

1 on parole, mandatory supervised release, or extended mandatory  
2 supervised release and who are subject to electronic  
3 monitoring.

4 (Source: P.A. 86-701.)

5 Section 10. The Unified Code of Corrections is amended by  
6 changing Section 3-3-7 and by adding Section 5-8A-6 as follows:

7 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

8 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
9 Release.

10 (a) The conditions of parole or mandatory supervised  
11 release shall be such as the Prisoner Review Board deems  
12 necessary to assist the subject in leading a law-abiding life.  
13 The conditions of every parole and mandatory supervised release  
14 are that the subject:

15 (1) not violate any criminal statute of any  
16 jurisdiction during the parole or release term;

17 (2) refrain from possessing a firearm or other  
18 dangerous weapon;

19 (3) report to an agent of the Department of  
20 Corrections;

21 (4) permit the agent to visit him or her at his or her  
22 home, employment, or elsewhere to the extent necessary for  
23 the agent to discharge his or her duties;

24 (5) attend or reside in a facility established for the  
25 instruction or residence of persons on parole or mandatory  
26 supervised release;

27 (6) secure permission before visiting or writing a  
28 committed person in an Illinois Department of Corrections  
29 facility;

30 (7) report all arrests to an agent of the Department of  
31 Corrections as soon as permitted by the arresting authority  
32 but in no event later than 24 hours after release from

1 custody;

2 (7.5) if convicted of a sex offense as defined in the  
3 Sex Offender Management Board Act, the individual shall  
4 undergo and successfully complete sex offender treatment  
5 conducted in conformance with the standards developed by  
6 the Sex Offender Management Board Act by a treatment  
7 provider approved by the Board;

8 (7.6) if convicted of a sex offense as defined in the  
9 Sex Offender Management Board Act, refrain from residing at  
10 the same address or in the same condominium unit or  
11 apartment unit or in the same condominium complex or  
12 apartment complex with another person he or she knows or  
13 reasonably should know is a convicted sex offender or has  
14 been placed on supervision for a sex offense; the  
15 provisions of this paragraph do not apply to a person  
16 convicted of a sex offense who is placed in a Department of  
17 Corrections licensed transitional housing facility for sex  
18 offenders, or is in any facility operated or licensed by  
19 the Department of Children and Family Services or by the  
20 Department of Human Services, or is in any licensed medical  
21 facility;

22 (7.7) if convicted for an offense that would qualify  
23 the accused as a sexual predator under the Sex Offender  
24 Registration Act on or after the effective date of this  
25 amendatory Act of the 94th General Assembly, wear an  
26 approved electronic monitoring device as defined in  
27 Section 5-8A-2 for the duration of the person's parole,  
28 mandatory supervised release term, or extended mandatory  
29 supervised release term, provided funding is appropriated  
30 by the General Assembly;

31 (8) obtain permission of an agent of the Department of  
32 Corrections before leaving the State of Illinois;

33 (9) obtain permission of an agent of the Department of  
34 Corrections before changing his or her residence or

1 employment;

2 (10) consent to a search of his or her person,  
3 property, or residence under his or her control;

4 (11) refrain from the use or possession of narcotics or  
5 other controlled substances in any form, or both, or any  
6 paraphernalia related to those substances and submit to a  
7 urinalysis test as instructed by a parole agent of the  
8 Department of Corrections;

9 (12) not frequent places where controlled substances  
10 are illegally sold, used, distributed, or administered;

11 (13) not knowingly associate with other persons on  
12 parole or mandatory supervised release without prior  
13 written permission of his or her parole agent and not  
14 associate with persons who are members of an organized gang  
15 as that term is defined in the Illinois Streetgang  
16 Terrorism Omnibus Prevention Act;

17 (14) provide true and accurate information, as it  
18 relates to his or her adjustment in the community while on  
19 parole or mandatory supervised release or to his or her  
20 conduct while incarcerated, in response to inquiries by his  
21 or her parole agent or of the Department of Corrections;

22 (15) follow any specific instructions provided by the  
23 parole agent that are consistent with furthering  
24 conditions set and approved by the Prisoner Review Board or  
25 by law, exclusive of placement on electronic detention, to  
26 achieve the goals and objectives of his or her parole or  
27 mandatory supervised release or to protect the public.  
28 These instructions by the parole agent may be modified at  
29 any time, as the agent deems appropriate; and

30 (16) if convicted of a sex offense as defined in  
31 subsection (a-5) of Section 3-1-2 of this Code, unless the  
32 offender is a parent or guardian of the person under 18  
33 years of age present in the home and no non-familial minors  
34 are present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy  
2 or other items to children on Halloween, wearing a Santa  
3 Claus costume on or preceding Christmas, being employed as  
4 a department store Santa Claus, or wearing an Easter Bunny  
5 costume on or preceding Easter.

6 (b) The Board may in addition to other conditions require  
7 that the subject:

8 (1) work or pursue a course of study or vocational  
9 training;

10 (2) undergo medical or psychiatric treatment, or  
11 treatment for drug addiction or alcoholism;

12 (3) attend or reside in a facility established for the  
13 instruction or residence of persons on probation or parole;

14 (4) support his dependents;

15 (5) (blank);

16 (6) (blank);

17 (7) comply with the terms and conditions of an order of  
18 protection issued pursuant to the Illinois Domestic  
19 Violence Act of 1986, enacted by the 84th General Assembly,  
20 or an order of protection issued by the court of another  
21 state, tribe, or United States territory; and

22 (8) in addition, if a minor:

23 (i) reside with his parents or in a foster home;

24 (ii) attend school;

25 (iii) attend a non-residential program for youth;

26 or

27 (iv) contribute to his own support at home or in a  
28 foster home.

29 (b-1) In addition to the conditions set forth in  
30 subsections (a) and (b), persons required to register as sex  
31 offenders pursuant to the Sex Offender Registration Act, upon  
32 release from the custody of the Illinois Department of  
33 Corrections, may be required by the Board to comply with the  
34 following specific conditions of release:

- 1 (1) reside only at a Department approved location;
- 2 (2) comply with all requirements of the Sex Offender  
3 Registration Act;
- 4 (3) notify third parties of the risks that may be  
5 occasioned by his or her criminal record;
- 6 (4) obtain the approval of an agent of the Department  
7 of Corrections prior to accepting employment or pursuing a  
8 course of study or vocational training and notify the  
9 Department prior to any change in employment, study, or  
10 training;
- 11 (5) not be employed or participate in any volunteer  
12 activity that involves contact with children, except under  
13 circumstances approved in advance and in writing by an  
14 agent of the Department of Corrections;
- 15 (6) be electronically monitored for a minimum of 12  
16 months from the date of release as determined by the Board;
- 17 (7) refrain from entering into a designated geographic  
18 area except upon terms approved in advance by an agent of  
19 the Department of Corrections. The terms may include  
20 consideration of the purpose of the entry, the time of day,  
21 and others accompanying the person;
- 22 (8) refrain from having any contact, including written  
23 or oral communications, directly or indirectly, personally  
24 or by telephone, letter, or through a third party with  
25 certain specified persons including, but not limited to,  
26 the victim or the victim's family without the prior written  
27 approval of an agent of the Department of Corrections;
- 28 (9) refrain from all contact, directly or indirectly,  
29 personally, by telephone, letter, or through a third party,  
30 with minor children without prior identification and  
31 approval of an agent of the Department of Corrections;
- 32 (10) neither possess or have under his or her control  
33 any material that is sexually oriented, sexually  
34 stimulating, or that shows male or female sex organs or any

1 pictures depicting children under 18 years of age nude or  
2 any written or audio material describing sexual  
3 intercourse or that depicts or alludes to sexual activity,  
4 including but not limited to visual, auditory, telephonic,  
5 or electronic media, or any matter obtained through access  
6 to any computer or material linked to computer access use;

7 (11) not patronize any business providing sexually  
8 stimulating or sexually oriented entertainment nor utilize  
9 "900" or adult telephone numbers;

10 (12) not reside near, visit, or be in or about parks,  
11 schools, day care centers, swimming pools, beaches,  
12 theaters, or any other places where minor children  
13 congregate without advance approval of an agent of the  
14 Department of Corrections and immediately report any  
15 incidental contact with minor children to the Department;

16 (13) not possess or have under his or her control  
17 certain specified items of contraband related to the  
18 incidence of sexually offending as determined by an agent  
19 of the Department of Corrections;

20 (14) may be required to provide a written daily log of  
21 activities if directed by an agent of the Department of  
22 Corrections;

23 (15) comply with all other special conditions that the  
24 Department may impose that restrict the person from  
25 high-risk situations and limit access to potential  
26 victims.

27 (c) The conditions under which the parole or mandatory  
28 supervised release is to be served shall be communicated to the  
29 person in writing prior to his release, and he shall sign the  
30 same before release. A signed copy of these conditions,  
31 including a copy of an order of protection where one had been  
32 issued by the criminal court, shall be retained by the person  
33 and another copy forwarded to the officer in charge of his  
34 supervision.

1 (d) After a hearing under Section 3-3-9, the Prisoner  
2 Review Board may modify or enlarge the conditions of parole or  
3 mandatory supervised release.

4 (e) The Department shall inform all offenders committed to  
5 the Department of the optional services available to them upon  
6 release and shall assist inmates in availing themselves of such  
7 optional services upon their release on a voluntary basis.

8 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,  
9 eff. 7-11-05; 94-161, eff. 7-11-05; revised 8-19-05.)

10 (730 ILCS 5/5-8A-6 new)

11 Sec. 5-8A-6. Electronic monitoring of certain sex  
12 offenders. For a sexual predator subject to electronic home  
13 monitoring under paragraph (7.7) of subsection (a) of Section  
14 3-3-7, the Department of Corrections must use a system that  
15 actively monitors and identifies the offender's current  
16 location and timely reports or records the offender's presence  
17 and that alerts the Department of the offender's presence  
18 within a prohibited area described in Sections 11-9.3 and  
19 11-9.4 of the Criminal Code of 1961, in a court order, or as a  
20 condition of the offender's parole, mandatory supervised  
21 release, or extended mandatory supervised release and the  
22 offender's departure from specified geographic limitations,  
23 provided funding is appropriated by the General Assembly for  
24 this purpose.

25 Section 15. The Sex Offender Registration Act is amended by  
26 changing Sections 6, 8-5, and 10 as follows:

27 (730 ILCS 150/6) (from Ch. 38, par. 226)

28 Sec. 6. Duty to report; change of address, school, or  
29 employment; duty to inform. A person who has been adjudicated  
30 to be sexually dangerous or is a sexually violent person and is  
31 later released, or found to be no longer sexually dangerous or

1 no longer a sexually violent person and discharged, or  
2 convicted of a violation of this Act after July 1, 2005, shall  
3 report in person to the law enforcement agency with whom he or  
4 she last registered no later than 90 days after the date of his  
5 or her last registration and every 90 days thereafter and at  
6 such other times at the request of the law enforcement agency  
7 not to exceed 4 times a year. Any person who lacks a fixed  
8 residence must report weekly, in person, to the appropriate law  
9 enforcement agency where the sex offender is located. Any other  
10 person who is required to register under this Article shall  
11 report in person to the appropriate law enforcement agency with  
12 whom he or she last registered within 6 months ~~one year~~ from  
13 the date of last registration and every 6 months ~~year~~  
14 thereafter and at such other times at the request of the law  
15 enforcement agency not to exceed 4 times a year. If any person  
16 required to register under this Article lacks a fixed residence  
17 or temporary domicile, he or she must notify, in person, the  
18 agency of jurisdiction of his or her last known address within  
19 5 days after ceasing to have a fixed residence and if the  
20 offender leaves the last jurisdiction of residence, he or she,  
21 must within 48 hours after leaving register in person with the  
22 new agency of jurisdiction. If any other person required to  
23 register under this Article changes his or her residence  
24 address, place of employment, or school, he or she shall report  
25 in person to ~~5~~ the law enforcement agency with whom he or she  
26 last registered of his or her new address, change in  
27 employment, or school and register, in person, with the  
28 appropriate law enforcement agency within the time period  
29 specified in Section 3. The law enforcement agency shall,  
30 within 3 days of the reporting in person by the person required  
31 to register under this Article, notify the Department of State  
32 Police of the new place of residence, change in employment, or  
33 school.

34 If any person required to register under this Article

1 intends to establish a residence or employment outside of the  
2 State of Illinois, at least 10 days before establishing that  
3 residence or employment, he or she shall report in person to  
4 the law enforcement agency with which he or she last registered  
5 of his or her out-of-state intended residence or employment.  
6 The law enforcement agency with which such person last  
7 registered shall, within 3 days after the reporting in person  
8 of the person required to register under this Article of an  
9 address or employment change, notify the Department of State  
10 Police. The Department of State Police shall forward such  
11 information to the out-of-state law enforcement agency having  
12 jurisdiction in the form and manner prescribed by the  
13 Department of State Police.

14 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;  
15 94-168, eff. 1-1-06; revised 8-19-05.)

16 (730 ILCS 150/8-5)

17 Sec. 8-5. Verification requirements.

18 (a) Address verification. The agency having jurisdiction  
19 shall verify the address of sex offenders, as defined in  
20 Section 2 of this Act, or sexual predators required to register  
21 with their agency at least once per year. The verification must  
22 be documented in LEADS in the form and manner required by the  
23 Department of State Police.

24 (b) Registration verification. The supervising officer  
25 shall, within 15 days of sentencing to probation or release  
26 from an Illinois Department of Corrections facility, contact  
27 the law enforcement agency in the jurisdiction in which the sex  
28 offender or sexual predator designated as his or her intended  
29 residence and verify compliance with the requirements of this  
30 Act. Revocation proceedings shall be immediately commenced  
31 against a sex offender or sexual predator on probation, parole,  
32 or mandatory supervised release who fails to comply with the  
33 requirements of this Act.

1       (c) In an effort to ensure that sexual predators and sex  
2 offenders who fail to respond to address-verification attempts  
3 or who otherwise abscond from registration are located in a  
4 timely manner, the Department of State Police shall share  
5 information with local law enforcement agencies. The  
6 Department shall use analytical resources to assist local law  
7 enforcement agencies to determine the potential whereabouts of  
8 any sexual predator or sex offender who fails to respond to  
9 address-verification attempts or who otherwise absconds from  
10 registration. The Department shall review and analyze all  
11 available information concerning any such predator or offender  
12 who fails to respond to address-verification attempts or who  
13 otherwise absconds from registration and provide the  
14 information to local law enforcement agencies in order to  
15 assist the agencies in locating and apprehending the sexual  
16 predator or sex offender.

17 (Source: P.A. 92-828, eff. 8-22-02; 93-979, eff. 8-20-04.)

18 (730 ILCS 150/10) (from Ch. 38, par. 230)

19 Sec. 10. Penalty.

20 (a) Any person who is required to register under this  
21 Article who violates any of the provisions of this Article and  
22 any person who is required to register under this Article who  
23 seeks to change his or her name under Article 21 of the Code of  
24 Civil Procedure is guilty of a Class 3 felony. Any person who  
25 is convicted for a violation of this Act for a second or  
26 subsequent time is guilty of a Class 2 felony. Any person who  
27 is required to register under this Article who knowingly or  
28 wilfully gives material information required by this Article  
29 that is false is guilty of a Class 3 felony. Any person  
30 convicted of a violation of any provision of this Article  
31 shall, in addition to any other penalty required by law, be  
32 required to serve a minimum period of 7 days confinement in the  
33 local county jail. The court shall impose a mandatory minimum

1 fine of \$500 for failure to comply with any provision of this  
2 Article. These fines shall be deposited in the Sex Offender  
3 Registration Fund. Any sex offender, as defined in Section 2 of  
4 this Act, or sexual predator who violates any provision of this  
5 Article may be arrested and tried in any Illinois county where  
6 the sex offender can be located. The local police department or  
7 sheriff's office is not required to determine whether the  
8 person is living within its jurisdiction.

9 (b) Any person, not covered by privilege under Part 8 of  
10 Article VIII of the Code of Civil Procedure or the Illinois  
11 Supreme Court's Rules of Professional Conduct, who has reason  
12 to believe that a sexual predator is not complying, or has not  
13 complied, with the requirements of this Article and who, with  
14 the intent to assist the sexual predator in eluding a law  
15 enforcement agency that is seeking to find the sexual predator  
16 to question the sexual predator about, or to arrest the sexual  
17 predator for, his or her noncompliance with the requirements of  
18 this Article is guilty of a Class 3 felony if he or she:

19 (1) provides false information to the law enforcement  
20 agency having jurisdiction about the sexual predator's  
21 noncompliance with the requirements of this Article, and,  
22 if known, the whereabouts of the sexual predator;

23 (2) harbors, or attempts to harbor, or assists another  
24 person in harboring or attempting to harbor, the sexual  
25 predator; or

26 (3) conceals or attempts to conceal, or assists another  
27 person in concealing or attempting to conceal, the sexual  
28 predator.

29 (c) Subsection (b) does not apply if the sexual predator is  
30 incarcerated in or is in the custody of a State correctional  
31 facility, a private correctional facility, a county or  
32 municipal jail, a State mental health facility or a State  
33 treatment and detention facility, or a federal correctional  
34 facility.

1 (Source: P.A. 93-979, eff. 8-20-04; 94-168, eff. 1-1-06.)".